

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 831 – HB 1037

March 18, 2013

SUMMARY OF ORIGINAL BILL: Provides that a prosecution is commenced by finding an indictment, finding a presentment, or by the issuing of a warrant identifying the offender by a deoxyribonucleic acid (DNA) profile.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004679): Rewrites Section 2 of the bill to provide that the bill shall apply to all commencements of prosecution, regardless of when the offense was committed, occurring on and after July 1, 2013. The bill does not apply to barred prosecutions for which the statute of limitations under Tenn. Code Ann. § 40-2-101 has expired on or before July 1, 2013.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- In *State v. Burdick*, No. M2010-00144-SC-R11-CD, 2012 Tenn. LEXIS 903 (Tenn. Dec. 18, 2012), the Tennessee Supreme Court held that under current law, Tenn. Code Ann. § 40-2-104, a “John Doe” warrant that includes a DNA profile satisfies the particularity requirement of the United State Constitution and article I, section 7 of the Tennessee Constitution, and is sufficient to commence prosecution.
- The bill codifies a portion of the Tennessee Supreme Court’s decision in *Burdick*. See *Burdick*, 2012 Tenn. LEXIS 903, at *1.
- For purposes of this note, it is assumed that most warrants issued for unidentified suspects include “John Doe” or “Jane Doe” in addition to providing the DNA profile.
- The bill will not have a significant impact on the courts or result in additional incarcerations.

SB 831 – HB 1037

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm